

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

ROBERT E. SHAPIRO,  
Plaintiff - Appellee,

vs.

Circuit No. 22-1191

District No. 2:19-cv-238

UNITED STATES SOCIAL  
SECURITY ADMINISTRATION,  
Defendant - Appellant.

INDEX

- A. Certified docket sheet.
- B. U.S. District Court electronic documents.  
All filed documents are accessible through District Court CM/ECF.
- C. Clerk's Certification.

CLOSED

**U.S. District Court  
District of Vermont (Burlington)  
CIVIL DOCKET FOR CASE #: 2:19-cv-00238-cr**

Shapiro v. United States Social Security Administration  
Assigned to: Judge Christina Reiss  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/20/2019  
Date Terminated: 03/30/2022  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Robert E. Shapiro**

represented by **Emily J. Joselson, Esq.**  
Langrock Sperry & Wool, LLP  
111 South Pleasant Street  
P.O. Drawer 351  
Middlebury, VT 05753-0351  
(802) 388-6356  
Fax: (802) 388-6149  
Email: [ejoselson@langrock.com](mailto:ejoselson@langrock.com)  
**ATTORNEY TO BE NOTICED**

**Justin G. Sherman, Esq.**  
Langrock Sperry & Wool, LLP  
210 College Street  
P.O. Box 721  
Burlington, VT 05402-0721  
802-864-0217  
Fax: 802-864-0137  
Email: [jsherman@langrock.com](mailto:jsherman@langrock.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****United States Social Security Administration**

represented by **Jason M. Turner, AUSA**  
United States Attorney's Office  
District of Vermont  
P.O. Box 570  
Burlington, VT 05402-0570  
802-951-6725  
Email: [jason.turner4@usdoj.gov](mailto:jason.turner4@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
12/20/2019	<u>1</u>	COMPLAINT against United States Social Security Administration filed by Robert E. Shapiro. Summonses issued. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Civil Cover Sheet) (pac) Deft name clarified on 12/23/2019 (law). (Entered: 12/20/2019)
12/20/2019	<u>2</u>	NOTICE OF APPEARANCE by Justin G. Sherman, Esq. on behalf of Robert E. Shapiro. (pac) (Entered: 12/20/2019)
01/14/2020	<u>3</u>	ACKNOWLEDGMENT/ACCEPTANCE OF SERVICE. United States Social Security Administration served on 1/3/2020, answer due 3/3/2020. (Attachments: # <u>1</u> Certificate of Service)(Sherman, Justin) Answer due date corrected on 1/16/2020 (jlh). (Entered: 01/14/2020)
01/16/2020	<u>4</u>	NOTICE OF DOCKET ENTRY CORRECTION re: <u>3</u> Acknowledgment/Acceptance of Service filed by Robert E. Shapiro. Docket text has been clarified to read United

		States Social Security Administration served on 1/3/2020, answer due 3/3/2020. (jlh) (Entered: 01/16/2020)
01/29/2020	<u>5</u>	UNOPPOSED MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by United States Social Security Administration. (Attachments: # <u>1</u> Proposed Order)(Turner, Jason) (Entered: 01/29/2020)
02/11/2020	<u>6</u>	ORDER GRANTING <u>5</u> First Unopposed Motion for Extension of Time to Answer. Signed by Judge Christina Reiss on 2/10/2020. (This is a text-only Order.) (ejh) (Entered: 02/11/2020)
03/03/2020	<u>7</u>	UNOPPOSED MOTION for Extension of Time to File Answer re <u>1</u> Complaint filed by United States Social Security Administration. (Attachments: # <u>1</u> Proposed Order)(Turner, Jason) (Entered: 03/03/2020)
03/03/2020	<u>8</u>	ORDER granting <u>7</u> Unopposed Motion for Extension of Time to Answer re <u>1</u> Complaint. United States Social Security Administration answer due 5/4/2020. Signed by Judge Christina Reiss on 3/3/2020. (This is a text-only Order.) (law) (Entered: 03/03/2020)
05/04/2020	<u>9</u>	ANSWER to Complaint by United States Social Security Administration.(Turner, Jason) (Entered: 05/04/2020)
05/05/2020	<u>10</u>	STIPULATED DISCOVERY LETTER SENT re: no stipulated discovery schedule filed; case will be set for a scheduling conference unless stipulated schedule is filed. (jbr) (Entered: 05/05/2020)
06/02/2020	<u>11</u>	NOTICE of Joint Proposed Briefing Schedule by United States Social Security Administration (Turner, Jason) Text clarified on 6/2/2020 (law). (Entered: 06/02/2020)
06/02/2020	<u>12</u>	JOINT BRIEFING SCHEDULE – Dft Summary Judgment Motion due by 7/24/2020; ptlf's combined Motion for Summary Judgment/Opposition due 60 days thereafter; and dft Reply Brief due 21 days after ptlf's Motion for Summary Judgment. Signed by Judge Christina Reiss on 6/2/2020. (kp) (Entered: 06/03/2020)
06/12/2020	<u>13</u>	DISCOVERY CERTIFICATE – Initial Disclosures by Robert E. Shapiro.(Sherman, Justin) (Entered: 06/12/2020)
07/24/2020	<u>14</u>	MOTION to Dismiss For Failure to State a Claim, <i>or, in the alternative</i> MOTION for Summary Judgment filed by United States Social Security Administration. (Attachments: # <u>1</u> Exhibit A)(Turner, Jason) Added MOTION to Dismiss on 7/27/2020 (law). (Entered: 07/24/2020)
09/22/2020	<u>15</u>	RESPONSE to <i>Statement of Undisputed Material Fact and Statement of Disputed Fact</i> re <u>14</u> MOTION to Dismiss, <i>or, in the Alternative</i> , MOTION for Summary Judgment by Robert E. Shapiro. (Attachments: # <u>1</u> Certificate of Service)(Sherman, Justin) Text clarified on 9/24/2020 (law). (Entered: 09/22/2020)
09/22/2020	<u>16</u>	CROSS MOTION for Summary Judgment, MOTION to Produce Documents, and MOTION for Attorney Fees and Costs (Sherman, Justin) Text clarified on 9/24/2020 (law). Added motion reliefs on 12/10/2021 (jlh) (Entered: 09/22/2020)
09/22/2020	<u>17</u>	RESPONSE in Opposition re <u>14</u> MOTION to Dismiss For Failure to State a Claim, <i>or, in the alternative</i> MOTION for Summary Judgment filed by Robert E. Shapiro. ( <i>same documents as 16</i> ) (kp) (Additional attachment(s) added on 9/24/2020: # <u>1</u> Affidavit of Robert E. Shapiro, # <u>2</u> Certificate of Service) (law). (Entered: 09/24/2020)
10/13/2020	<u>18</u>	RESPONSE to <u>15</u> Statement of Disputed Facts re: <u>14</u> Motion to Dismiss <i>or, in the Alternative</i> , MOTION for Summary Judgment by United States Social Security Administration. (Turner, Jason) Link added on 10/14/2020 (law). (Entered: 10/13/2020)
10/13/2020	<u>19</u>	RESPONSE in Opposition to <u>16</u> CROSS-MOTION for Summary Judgment filed by United States Social Security Administration. ( <i>same document as 20</i> ) (Turner, Jason) (Entered: 10/13/2020)
10/13/2020	<u>20</u>	REPLY to Response to <u>14</u> MOTION to Dismiss, <i>or, in the alternative</i> MOTION for Summary Judgment filed by United States Social Security Administration. ( <i>same document as 19</i> ) (law) (Entered: 10/14/2020)

10/27/2020	<u>21</u>	REPLY to Response to <u>16</u> MOTION for Summary Judgment filed by Robert E. Shapiro. (Attachments: # <u>1</u> Certificate of Service)(Sherman, Justin) Text clarified on 10/30/2020 (law). (Entered: 10/27/2020)
10/29/2020	<u>22</u>	AGREED-TO MOTION for Leave to File <i>Sur-Reply</i> re: <u>16</u> MOTION for Summary Judgment filed by United States Social Security. Administration.(Turner, Jason) Link added on 10/30/2020 (law). (Entered: 10/29/2020)
10/30/2020	23	ORDER GRANTING <u>22</u> Agreed-to Motion for Leave to File a Sur-Reply re: <u>16</u> MOTION for Summary Judgment. Signed by Judge Christina Reiss on 10/30/2020. (This is a text-only Order.) (ejh) (Entered: 10/30/2020)
11/03/2020	<u>24</u>	SUR-REPLY to <u>16</u> MOTION for Summary Judgment filed by United States Social Security Administration. (Turner, Jason) (Entered: 11/03/2020)
03/08/2021	<u>25</u>	OPINION AND ORDER granting in part and denying in part Defendant's <u>14</u> MOTION to Dismiss For Failure to State a Claim, <i>or, in the alternative</i> Motion for Summary Judgment; granting in part and denying in part Plaintiff's <u>16</u> Cross Motion for Summary Judgment. The court ORDERS Defendant to specify a basis for withholding the initial 1,377 responsive documents identified under Exemptions 5 and 6 within thirty (30) days of this Opinion and Order. Signed by Judge Christina Reiss on 3/8/2021. (kp) (Entered: 03/08/2021)
04/07/2021	<u>26</u>	RESPONSE re <u>26</u> OPINION AND ORDER granting in part and denying in part Defendant's <u>14</u> MOTION to Dismiss For Failure to State a Claim, <i>or, in the alternative</i> Motion for Summary Judgment; granting in part and denying in part Plaintiff's <u>16</u> Cross Motion for Summary Judgment filed by United States Social Security Administration. (Attachments: # <u>1</u> Exhibit A)(Turner, Jason) Text/link clarified on 4/8/2021 (law). (Entered: 04/07/2021)
04/19/2021	<u>27</u>	UNOPPOSED MOTION for Extension of Time to File Reply re: <u>14</u> Opinion and Order Regarding Documents Initially Withheld Pursuant to FOIA Exceptions filed by Robert E. Shapiro. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Service)(Sherman, Justin) Text clarified, link added on 4/21/2021 (jlh). (Entered: 04/19/2021)
04/19/2021	28	ORDER GRANTING <u>27</u> Unopposed Motion for Extension of Time to File Reply re: <u>14</u> Opinion and Order Regarding Documents Initially Withheld Pursuant to FOIA Exceptions . Signed by Judge Christina Reiss on 4/19/2021. (This is a text-only Order.) (ejh) Text clarified on 4/21/2021 (jlh). (Entered: 04/19/2021)
04/30/2021	<u>29</u>	UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>26</u> RESPONSE re <u>14</u> Opinion and Order Regarding Documents Initially Withheld Pursuant to FOIA Exceptions filed by Robert E. Shapiro. (Attachments: # <u>1</u> Proposed Order)(Sherman, Justin) Link clarified on 4/30/2021 (law). (Entered: 04/30/2021)
04/30/2021	30	ORDER GRANTING <u>29</u> Unopposed Motion for Extension of Time to File Response/Reply as to <u>26</u> RESPONSE re <u>14</u> Opinion and Order Regarding Documents Initially Withheld Pursuant to FOIA Exceptions. Signed by Judge Christina Reiss on 4/30/2021. (This is a text-only Order.) (ejh) (Entered: 04/30/2021)
05/19/2021	<u>31</u>	MEMORANDUM in Opposition to <u>26</u> Response re <u>25</u> OPINION AND ORDER granting in part and denying in part Defendant's <u>14</u> MOTION to Dismiss For Failure to State a Claim, <i>or, in the alternative</i> Motion for Summary Judgment; granting in part and denying in part Plaintiff's <u>16</u> Cross Motion for Summary Judgment by Robert E. Shapiro (Sherman, Justin) Link added on 5/25/2021 (law). Link added on 6/11/2021 (jlh) (Entered: 05/19/2021)
06/10/2021	<u>32</u>	STIPULATED MOTION for Leave to Exceed Page Limit re: <u>31</u> MEMORANDUM in Opposition to <u>26</u> Response re <u>25</u> OPINION AND ORDER granting in part and denying in part Defendant's <u>14</u> MOTION to Dismiss For Failure to State a Claim, <i>or, in the alternative</i> Motion for Summary Judgment; granting in part and denying in part Plaintiff's <u>16</u> Cross Motion for Summary filed by United States Social Security Administration.(Turner, Jason) Links added on 6/11/2021 (jlh). (Entered: 06/10/2021)
06/14/2021	33	ORDER GRANTING <u>32</u> Stipulated Motion to Exceed Page Limit re: <u>31</u> Memorandum in Opposition to <u>26</u> Response re <u>25</u> Opinion and Order. Signed by Judge Christina Reiss on 6/14/2021. (This is a text-only Order.) (ejh) (Entered: 06/14/2021)



		06/14/2021)
06/14/2021	<u>34</u>	REPLY re <u>31</u> Memorandum in Opposition to <u>26</u> Response re <u>25</u> OPINION AND ORDER granting in part and denying in part Defendant's <u>14</u> MOTION to Dismiss For Failure to State a Claim, or, in the alternative Motion for Summary Judgment; granting in part and denying in part Plaintiff's <u>16</u> Cross Motion for Summary Judgment by United States Social Security Administration (Turner, Jason) Links added, document replaced on 6/14/2021 (jlh). (Entered: 06/14/2021)
06/14/2021	<u>35</u>	NOTICE OF DOCKET ENTRY CORRECTION re: <u>34</u> REPLY re <u>31</u> Memorandum in Opposition to <u>26</u> Response re <u>25</u> OPINION AND ORDER granting in part and denying in part Defendant's <u>14</u> MOTION to Dismiss For Failure to State a Claim, or, in the alternative Motion for Summary Judgment; granting in part and denying in part Plaintiff's <u>16</u> Cross Motion for Summary Judgment by United States Social Security Administration. The incorrect document was uploaded at the time of filing. The correct document is now attached to <u>34</u> as well as this entry. (jlh) (Entered: 06/14/2021)
12/10/2021	<u>36</u>	OPINION AND ORDER granting in part <u>16</u> Motion for Attorney Fees. The court grants in part Plaintiff's request for attorney's fees and costs and ORDERS Plaintiff to submit a statement of reasonable attorney's fees and costs incurred in this case, supported by an affidavit, within 30 days from the date of this Opinion and Order. Plaintiff must identify the fees and costs expended on the issues on which he prevailed. SSA may oppose Plaintiff's calculation of fees with 14 days of Plaintiff's filing. Signed by Judge Christina Reiss on 12/10/2021. (kp) (Entered: 12/10/2021)
01/10/2022	<u>37</u>	MOTION for Attorney Fees filed by Robert E. Shapiro. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Justin G. Sherman, Esq., # <u>3</u> Certificate of Service)(Sherman, Justin) (Entered: 01/10/2022)
01/24/2022	<u>38</u>	RESPONSE to <u>37</u> MOTION for Attorney Fees filed by United States Social Security Administration. (Turner, Jason) (Entered: 01/24/2022)
02/07/2022	<u>39</u>	REPLY to Response to <u>37</u> MOTION for Attorney Fees filed by Robert E. Shapiro. (Attachments: # <u>1</u> Affidavit of Justin Sherman, Esq.)(Sherman, Justin) Text clarified on 2/8/2022 (law). (Entered: 02/07/2022)
03/30/2022	<u>40</u>	OPINION and ORDER granting in part and denying in part <u>37</u> Motion for Reasonable Attorney Fees and Costs. Signed by Judge Christina Reiss on 3/30/2022. (jbr) (Entered: 03/30/2022)
03/30/2022	<u>41</u>	JUDGMENT entered in part for defendant and in part for plaintiff. Plaintiff is awarded \$10,262.75 in attorneys' fees, \$444.50 in costs, and \$2,908.00 as a refund for FOIA fees paid by plaintiff to defendant. Signed by Deputy Clerk on 3/30/2022. (Attachments: # <u>1</u> Notice to Litigants ( <i>appeal period expires 5/31/2022</i> ))(law) (Entered: 03/30/2022)
05/27/2022	<u>42</u>	NOTICE OF APPEAL as to <u>36</u> Opinion and Order, <u>41</u> Judgment, <u>25</u> Opinion and Order, <u>40</u> Entry Order by United States Social Security Administration (Turner, Jason) Text clarified on 5/27/2022 (law). (Entered: 05/27/2022)

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

ROBERT E. SHAPIRO,  
Plaintiff - Appellee,

vs.

Circuit No. 22-1188

District No. 2:19-cv-238

UNITED STATES SOCIAL  
SECURITY ADMINISTRATION,  
Defendant - Appellant.

CLERK'S CERTIFICATION

I, Jeffrey S. Eaton, Clerk of the United States District Court for the District of Vermont, hereby certify that the electronic index comprises the foregoing docket entries, and constitutes the Record on Appeal.

In testimony whereof, I have hereunto subscribed my name and affixed the Seal of the aforesaid Court at Burlington, Vermont this 3<sup>rd</sup> day of June, 2022.

